



**DECLARATION AND APPOINTMENT OF
REPRESENTATIVE FOR CO-PENDING PATENT APPLICATION
CONTAINING ADDITIONAL SUBJECT MATTER**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor of the invention entitled ROCK AUGER AND METHOD OF USE, which is described and claimed in the United States Patent application Serial No. 10/664,604 filed on September 16, 2003 and that this application in part discloses and claims subject matter disclosed in my earlier filed copending application Serial No. 10/032,216 filed on December 20, 2001.

As to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to said earlier application, or in public use or sale in the United States of America more than one year prior to said earlier application.

The common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said

earlier application.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign of any foreign applications(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
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<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<u>Yes</u>	<u>No</u>
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<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<u>Yes</u>	<u>No</u>
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I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

<u>60/185,664</u>	<u>2/29/00</u>
(Application Number)	(Filing Date)

<u>60/203,061</u>	<u>5/9/00</u>
(Application Number)	(Filing Date)

<u>60/257,054</u>	<u>12/20/00</u>
(Application Number)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material

information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>PCT/US01/149769</u> (Appln. Serial No.)	<u>12/20/01</u> (Filing Date)	<u>Abandoned</u> (Status) (patented, pending, abandoned)
<u>10/032,216</u> (Appln. Serial No.)	<u>12/20/01</u> (Filing Date)	<u>Issued as 6,619,413 on 9/16/03</u> (Status) (patented, pending, abandoned)
<u>09/684,821</u> (Appln. Serial No.)	<u>10/20/00</u> (Filing Date)	<u>PATENT NO. 6,129,163</u> (Status) (patented, pending, abandoned)
<u>09/066,194</u> (Appln. Serial No.)	<u>4/24/98</u> (Filing Date)	<u>PATENT NO. 6,129,163</u> (Status) (patented, pending, abandoned)

I acknowledge the duty to disclose information of which I am aware which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby appoint David W. Carrithers, Reg. No. 35,475, as my attorney to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

Address all communications concerning this application to:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 or the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Gary Wayne Hamilton

Inventor's signature: Gary Wayne Hamilton Date: 3-5-04

Residence: 5890 New Haven Road, New Haven, KY 40051

Citizenship: U.S.

Post Office Address: Same as above

Full name of second inventor: Charles Hamilton

Inventor's signature: Charles Hamilton Date: 3-5-04

Residence: 2261 New Haven Road, Bardstown, KY 40004

Citizenship: U.S.

Post Office Address: Same as above